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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 60/114 of 8 December 2005, summarizes the reports that have been submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara from 1 July 2005 to 30 June 2006

* A/61/50 and Corr.1.

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1. On 8 December 2005, the General Assembly adopted resolution 60/114 on the question of Western Sahara without a vote. The Secretary-General, in close cooperation with the Chairperson of the Commission of the African Union, has continued to exercise his good offices with the parties concerned. The present report, which covers the period from 1 July 2005 to 30 June 2006, is submitted in accordance with paragraph 10 of resolution 60/114.

2. Pursuant to Security Council resolution 1598 (2005) of 28 April 2005, the Secretary-General submitted, on 13 October 2005, a report to the Security Council (S/2005/648), in which he informed the Council that Peter van Walsum, his Personal Envoy for Western Sahara, had just begun his first visit to the region, from 11 to 17 October, to assess the situation and to explore with the parties, neighbouring States and other stakeholders how best to overcome the present political impasse.

3. The report also noted the Secretary-General's decision in May 2005 to appoint his then Special Representative for Western Sahara, Alvaro de Soto, as Special Coordinator for the Middle East Peace Process and Special Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority. Following consultations, the Secretary-General appointed Francesco Bastagli as the new Special Representative for Western Sahara and head of MINURSO. Mr. Bastagli assumed his position in Laayoune on 14 September. In early October, he paid initial visits to the parties and representatives of the neighbouring States in Rabat (Morocco), Rabouni and Algiers (Algeria) and Nouakchott (Mauritania).

4. In addition, the Secretary-General informed the Council that in August 2005, Major General György Száraz (Hungary) had departed from Laayoune after three years of service as Force Commander of MINURSO and that he had been replaced by Major General Kurt Mosgaard (Denmark), who had arrived in the Mission area on 16 September.

5. As to military matters, the Secretary-General informed the Security Council that violations by both parties had continued and that there had been a serious deterioration in compliance with military agreement No. 1. Civilian activities, including demonstrations by supporters of the Frente POLISARIO, continued to take place in the buffer strip. Although these demonstrations did not constitute a breach of military agreement No. 1, they had contributed to increased tensions on the ground and could result in incidents and a deterioration of the situation in the long term. With regard to military agreements Nos. 2 and 3, the parties continued to extend a high level of cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance.

6. The Secretary-General also noted that on 18 August, with the mediation of the United States of America, the Frente POLISARIO had released the remaining 404 Moroccan prisoners of war. The prisoners were repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC), which would continue to work with the parties in accounting for those who were still missing as a result of the conflict.

7. With respect to Western Saharan refugees, the Secretary-General stated that the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) had increased their monitoring activity,

including the conduct of regular field visits to all refugee camps in the Tindouf area. In a joint decision by UNHCR and WFP, which was subsequently communicated to the Frente POLISARIO and to Algeria, as the country of asylum, the number of assisted beneficiaries was reduced from 158,000 to 90,000 as at 1 September 2005, targeting assistance to the most vulnerable members of the camp population. Both WFP and UNHCR would use that number for planning purposes until a comprehensive registration exercise of the refugee populations could be carried out. Although donor support in 2005 had increased to over $5 million, additional international assistance would be required in order to improve the health of refugees.

8. With regard to confidence-building measures, the Secretary-General informed the Security Council that the exchange of family visits between the Territory and the refugee camps in the Tindouf area did not resume, although the Frente POLISARIO and Algeria, as the country of asylum, had approved a plan of action that had been submitted by UNHCR, in consultation with MINURSO, in early January 2005. Thus far, of the estimated $3.1 million required for the 2005 programme, $2.1 million had been provided by Finland, France, Ireland, Sweden and the United States. At the same time, the telephone services that were established between the camps in Tindouf and the Territory continued to function effectively.

9. With regard to the restructuring of the Mission, the Secretary-General informed the Security Council that in June 2005 a United Nations military operational audit team visited MINURSO. Following the visit, the Department of Peacekeeping Operations, in consultation with MINURSO, developed recommendations for the restructuring of the military component. The recommendations, on which the parties and troop-contributing countries had been consulted, were aimed at strengthening the military component's capacity to monitor the ceasefire and military agreements, within existing resources. The restructuring exercise, which began in September 2005, entailed the closure of the two sector headquarters and the restructuring of the force headquarters, including the establishment of a civilian-military joint mission analysis cell and a joint operations centre to enhance data collection and information management. A new concept of operations reflecting the above changes came into effect on 1 October 2005.

10. Concluding his report, the Secretary-General reported that regrettably, the position of the parties with regard to a settlement remained apart. The lack of progress was compounded by the overall tense political climate in the region. In addition to harsh public statements emanating periodically from the parties, demonstrations and allegations of human rights abuses in the Territory suggested that the situation could deteriorate further in the absence of a mutually acceptable solution that would provide for the self-determination of the people of Western Sahara.

11. On 28 October, the Security Council adopted resolution 1634 (2005), by which it extended the mandate of MINURSO until 30 April 2006. Under that resolution the Council, inter alia, welcomed the appointment of the Secretary-General's Personal Envoy on Western Sahara, Peter van Walsum, noting that he had recently completed consultations in the region and requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate. The Council also requested the Secretary-General's Personal Envoy to provide a briefing within three months of the adoption of the resolution on the progress of his efforts.

12. Pursuant to resolution 1634 (2005), on 18 January 2006, Mr. van Walsum briefed the Security Council in closed consultations on his assessment of the situation and the progress of his efforts.

13. On 19 April 2006, the Secretary-General submitted to the Security Council the report (S/2006/249) the Council had requested by its resolution 1634 (2005), in which he informed the Council that his Personal Envoy had undertaken an exploratory mission to the region from 11 to 17 October. Subsequent to this visit, the Personal Envoy had informed the Secretary-General that the question was still at an impasse and that there continued to be a total lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. Morocco had reiterated that it would not accept a referendum that would include the option of independence. It strongly advocated negotiations with a view to achieving a just, lasting and mutually acceptable political solution but made it clear that these would have to be about the autonomy status of Western Sahara. The position of the Frente POLISARIO, with the general support of Algeria, was that the only way forward was to implement either the Peace Plan for the Self-Determination of the People of Western Sahara or the Settlement Plan. Both had been approved or supported by the Security Council and both provided for self-determination through a referendum, with independence as one of the options. Any other course would not be acceptable to the Frente POLISARIO. Mauritania had reiterated its strict neutrality.

14. Subsequently, the Personal Envoy had held consultations in London, Madrid, Paris and Washington, D.C., as well as with the Chairperson of the Commission of the African Union in Addis Ababa and senior authorities of the European Union in Brussels. He had perceived a consensus within the international community on the need to reach a solution to the Western Sahara issue as soon as possible in order to enable the people of Western Sahara to exercise their right to self-determination.

15. As to military matters, the Secretary-General informed the Council that violations by both parties had decreased since the previous reporting period. From 14 October to 15 March, MINURSO had observed eight new violations by the Royal Moroccan Army and four new violations by the military forces of the Frente POLISARIO, reflecting a decrease of almost 50 per cent in the overall number of violations compared to the previous reporting period. However, MINURSO had continued to observe long-standing violations by both parties. With regard to military agreements No. 2 and No. 3, the parties had continued to extend cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance. During the period under review, MINURSO had discovered and marked 29 mines and pieces of unexploded ordnance and monitored the destruction of 3,381 such devices. On 3 November, the Frente POLISARIO had signed the Geneva Call's "Deed of commitment" for non-State actors, banning the use of anti-personnel mines and committing to the destruction of current stockpiles. On 27 February, the Frente POLISARIO had proceeded to destroy 3,100 anti-personnel mines and an anti-tank mine near Tifariti; MINURSO monitored the operation.

16. With regard to refugees, on 18 and 19 March, UNHCR and WFP had jointly led a donor mission to the Tindouf area to enable donors to become acquainted with relief activities in the refugee camps. The Mission contributed to raising donor awareness of the precarious humanitarian situation in the Tindouf area refugee camps.

17. Turning to the issue of confidence-building measures, the Secretary-General reported that on 25 November UNHCR and MINURSO had been able to resume the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area. As at 15 March, some 610 persons had taken the weekly United Nations flights to and from the Territory and the Tindouf area refugee camps, bringing the total number of beneficiaries since the start of the programme to 2,086. The telephone service between the Tindouf area camps and the Territory had continued to operate successfully during the reporting period. Since its establishment, over 43,700 calls have been made from the camps, enabling refugees to communicate with their relatives in the Territory. UNHCR remained ready to implement the postal service, in accordance with the modalities initially proposed or under any terms that would meet with the approval of all concerned.

18. With regard to the restructuring of the Mission, the Secretary-General informed the Security Council that significant progress had been achieved towards the restructuring of MINURSO. The establishment of a joint operations centre and a joint mission analysis cell had enhanced integration of the Mission's civilian and military activities, as well as improved data collection and information management. It had also contributed to improved operational management to ensure full compliance with the Mission's military objectives. Measures were also implemented to strengthen, from within existing resources, the capacity of the Mission's military component to monitor the ceasefire and the military agreements. In this context, the closure of the two sector headquarters and the subsequent redeployment of their military personnel to nine observer team sites had enabled MINURSO to expand its ceasefire monitoring activities through a strengthened presence on the ground.

19. In closing his report, the Secretary-General informed the Council that, in his briefing of 18 January 2006 to the Security Council, his Personal Envoy had concluded that the Security Council was firm in its opinion that it could only contemplate a consensual solution to the question of Western Sahara. From this he had deduced that there were only two options: indefinite prolongation of the current deadlock in anticipation of a different political reality; or direct negotiations between the parties. Direct negotiations, held without preconditions, would seek to produce a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara.

20. In the bilateral consultations his Personal Envoy held after his briefing, the Frente POLISARIO had reiterated that it would under no circumstances negotiate about any kind of autonomy under Moroccan sovereignty. The Personal Envoy had clarified that negotiating without preconditions meant that there would not be a precondition that the Frente POLISARIO first recognize Morocco's sovereignty over Western Sahara and then discuss the autonomy to be "granted" by Morocco.

21. The Secretary-General further reported that since his briefing of 18 January 2006, his Personal Envoy had become even more conscious of the forces outside the region constituting a powerful temptation to acquiesce in the continuation of the impasse, at least for another number of years, as many countries would find the status quo to be more tolerable than any of the possible solutions. The Secretary-General concurred with the view of his Personal Envoy that the Security Council could not afford to adopt such an attitude. It could not wait for the question of Western Sahara to deteriorate from being a source of potential instability in the region to becoming a threat to international peace and security. Instead, both the

Council and its individual member States should do all in their power to help negotiations get off the ground. The objective of those negotiations between Morocco and the Frente POLISARIO as parties, and Algeria and Mauritania as neighbouring countries, had to be a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

22. The Secretary-General further stated that, in his view, a prolongation of the current deadlock might lead to a deterioration of the situation in Western Sahara, as signalled by continued demonstrations and allegations of human rights abuses. He was concerned, in particular, about reports of heavy-handed responses to the recent demonstrations in the Territory. He reiterated that, although MINURSO did not have the mandate or resources to address that issue, the United Nations remained committed to upholding international human rights standards. In that context, he announced that the mission, proposed by the Office of the High Commissioner for Human Rights (OHCHR) to Western Sahara and the Tindouf camps, as well as to Algeria, as the country of asylum, had been accepted by all concerned and would be undertaken from 15 May 2006.

23. The Secretary-General also encouraged the parties to cooperate with MINURSO on a review of existing military agreements in order to better respond to evolving realities on the ground and clarify any issues that might be subject to different interpretations. Any amendments to the agreements would have to be consistent with the principle that military and security forces should maintain the status quo during the ceasefire and should extend full freedom of movement to MINURSO military observers, in accordance with basic peacekeeping principles.

24. Related to the human dimension of the conflict, the Secretary-General welcomed the resumption of the exchange of family visits between the Territory and the refugee camps in the Tindouf area and encouraged all parties concerned to explore the possibility of increasing the number of beneficiaries. He also looked forward to the implementation of other confidence-building measures, in particular the organization of seminars on non-political topics involving members of civil society in both the Territory and the refugee camps in the Tindouf area. He recommended that the Council consider extending the mandate of MINURSO until 31 October 2006.

25. On 28 April 2006, the Security Council reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. The Council, noting the role and responsibility of the parties in this respect, adopted resolution 1675 (2006), by which it extended the mandate of MINURSO until 31 October 2006 and requested the Secretary-General to provide a report on the situation by the end of the mandate.

26. Subsequently, the Secretary-General sent a letter dated 26 June 2006, to the President of the Security Council (S/2006/466), in which he referred to Security Council resolution 1675 (2006) of 28 April 2006, as well as previous Security Council resolutions on Western Sahara. The Secretary-General pointed out that in his report to the Security Council dated 19 April 2006 (S/2006/249), reference was made to certain factors that could constitute a temptation to acquiesce in the continuation of the impasse about Western Sahara for several more years. The

fear was expressed that in the circumstances many countries might find the status quo to be more tolerable than any of the possible solutions. The Secretary-General had subscribed to his Personal Envoy's view that the Security Council could not afford to adopt such an attitude, but pointed out that resolution 1675 (2006) did not refer to any of his recommendations, except the one concerning the extension of MINURSO's mandate for a further period of six months. The resolution had been adopted unanimously. Most of the members of the Council who made a statement after the vote had expressed the hope that the next six months would be used to make progress beyond the current impasse, so that at the next mandate renewal in October the Council would not need to content itself again with a purely technical rollover.

27. In his letter the Secretary-General further explained that he was aware that in April the interval of time between the circulation of his report and the adoption of the resolution might have been too short for his warning about the danger of a prolongation of the impasse to take effect. Nevertheless, he felt that all should act to move the process forward. The Secretary-General informed the Council that his Personal Envoy was making preparations for another visit to the region, during which he intended to explore how the parties and the neighbouring States could help make it possible for the Security Council to go beyond the extension of the mandate of MINURSO in its October resolution. He would be following the progress of his Personal Envoy with keen attention, in order to see how to avoid losing that opportunity. The Secretary-General also suggested that the members of the Security Council use the next four months to prepare for a more substantial resolution on the situation concerning Western Sahara.

28. In her reply (S/2006/467) dated 30 June 2006, the President of the Security Council informed the Secretary-General that his letter dated 26 June 2006 concerning his suggestion that the members of the Security Council use the next four months to prepare for a more substantial resolution on the situation concerning Western Sahara had been brought to the attention of the members of the Security Council. They had taken note of the information contained in his letter and the suggestion expressed therein.